

LUFKIN DIVISION

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Texas. Plaintiff complains he suffered an injury while performing pre-employment testing required by Pinnergy. Plaintiff claims the testing was conducted on July 11, 2013 at the College Station Medical Center (Therapy Center) located in Bryan, Texas.

Analysis

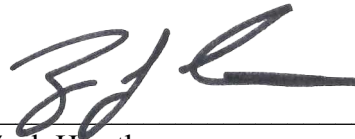
Claims asserted under Title VII are governed by a special venue provision. 42 U.S.C. § 2000e-5; *In re Horseshoe Entm't*, 337 F.3d 429, 432-33 (5th Cir. 2003). It provides that venue is proper in (1) any judicial district in the State in which the unlawful employment practice is alleged to have been committed, (2) the judicial district in which the employment records relevant to such practice are maintained, and (3) the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice. *See* 42 U.S.C. § 2000e-5(f)(3). If none of those three are applicable, then venue lies in the judicial district in which the defendant has its principal office. *Id.*

Here, the alleged unlawful employment practice was committed in Bryan, Texas. The city of Bryan is located in Brazos County, Texas. Plaintiff would have worked for Pinnergy located in Madisonville, Texas but for the alleged unlawful employment practice. The city of Madisonville is located in Madison County, Texas. Accordingly, it appears the records relevant to this action are likely maintained in either Brazos County or Madison County. In accordance with 28 U.S.C. § 124, both Brazos County and Madison County are located in the Southern District of Texas. As both Brazos County and Madison County are located in the Southern District of Texas, venue in the Eastern District of Texas is not proper.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. §

1406(a). This case should be transferred to the United States District Court for the Southern District of Texas, Houston Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 28th day of April, 2014.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge